

The Whakatohea Maori Trust Board

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22 May 1989

The Registrar
Waitangi Tribunal

I, Claude Augustin Edwards, Executive Chairman of the Whakatohea Maori Trust Board, on behalf of all the descendants of our tipuna provided in the enclosed census of the Whakatohea people claim THAT:

The invasion of the Whakatohea tribal lands in 1865 and the subsequent:

- 1 Loss of life.
- 2 Burning and sacking of our Habitations.
- 3 Destruction of all the carvings and other cultural artifacts.
- 4 Confiscation of all our fertile lands.
- 5 Prejudicial Court Commissions' decisions following the confiscation.
- 6 Deliberate policies of settling foreigners consisting of Military settlers, Traders and members of other Tribal people, specifically Arawa, totally oppressing the Rangatiratanga of Whakatohea.
- 7 Resettlement of Whakatohea on small areas of marginal land.
- 8 Denial of their fertile cropping lands.
- 9 Implementation of the New Zealand Settlements Act of 1863 and the purpose of that Act.
- 10 Confiscation which included our sacred Burial places and fishing grounds.
- 11 Destruction of the economic base of the Whakatohea.
- 12 Inability of the Whakatohea to develop a commercial fishing industry as a result of the destruction of their economic base.
- 13 Economic, cultural and social decline of our people.
- 14 Paltry sum of twenty thousand pounds granted to Whakatohea in recognition that the confiscation was excessive.

- 15 Restriction by rehabilitation policies to the choice of land available (at the time of purchase of land by the Whakatohea with compensation monies) to the category or classification of land that was unsuitable for soldiers rehabilitation.
- 16 Insulting and degrading act (with reference to the above) of the European Dominant authority as it ignored all those Maori soldiers of Whakatohea who fell in the defence of the British empire.
- 17 Refusal of the Crown to honour the Treaty of Waitangai after numerous petitions by Whakatohea regarding all these injustices.
- 18 We are reopening the Claim that was previously negotiated in the knowledge that our earlier negotiators accepted the terms as an interim position, knowing that was as much as could be extracted from and inflexible culturally insensitive and European dominated Government.
- 19 Exclusion in the earlier claim settlement of 1947 of the Ohiwa Harbour, a traditional food source and cultural repository of the Mauri of the Whakatohea to which we now lay claim also including the Islands within the harbour.

These are our main grievances and the historical paper supporting these complaints supplies the dates and events as they occurred.

The Court list of owners to the Reserves out of confiscated lands on the 1st of January 1874 provide the Ancestors and Hapu of the Whakatohea.

It is in the name of their descendants who comprise the Whakatohea today that this claim is lodged.

We request the release of adequate funds to the Whakatohea Maori Trust Board to cover research costs.

We do require sufficient funds to enable us to engage a professional researcher to guide our research team and correlate and set up a full Data Base.

We will be making an approach for legal assistance at a time that is appropriate.

Our research will reveal the full extent of the acts of injustice perpetrated on us.

It will also possibly reveal that further research may be required to fully establish a fair settlement.

Therefore we make no indication at this point in time as to a set of conditions or a monetary sum that we are considering.

We request that the Tribunal hearing be held on the Ngatirua Marae at Omarumutu.

It is with trust and respect that we make this submission to the Tribunal and the firm belief that the due processes of Law that exist under the Mantle of the Tribunal can bring about a more proper and acceptable ruling.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'C Edwards'.

Claude Edwards
Executive Chairman

(11)

The Registrar
Waitangi Tribunal

For your information:

To have a better understanding of the origins of the Trust Board it is necessary to go back to the time when European influence first began to alter the behaviour and life style of our people, to be more exact, from the 1840's and leading into the 1860's.

At that time the area of land that the Whakatohea dominated and in fact claimed as their own, covered 490,000 acres.

The ancestral boundries of the Whakatohea land, according to evidence given by Te Hoeroa Horokai and Heremia Hoeroa at Opotiki on the 14th of July 1920, is as follows:

Commencing at Pakihi, at the mouth of the river along the sea coast to the coast to the mouth of the Waiotaha stream to the mouth of the Ohiwa stream to Tehoro (a hill) and then turning inland southwards to Puhikoko (a hill) by straight line to Pukemoremore (a hill) then to Mapouriki (a hill) at one time a fighting pa. Then descending to Waimana stream, Mapouriki being on the bank; following the Waimana stream towards its source at Tautautahi (a hill) along the banks to the mouth of the Parau stream; then following Parau stream to Tangata-e-roha (a hill) on to Kaharoa (an old settlement); from Kaharoa to Ta-Harakeke a ridge leading towards Maungapohatu to Maungatapere (a hill) descending into Motu river to Kaitaura falls to Peketutu (a rock in the river that was an old crossing); leaving the river and up a ridge to Whakararonga (a hill); following the hill tops till it reaches Tipi o Houmea (a peak) descending towards Makomako (another hill) till it crosses Takaputahi stream to Ngaupoko tangata (a mountain) following the ridge to Kamakama (a mound resting place); along the ridge to Oroi (a trig station) then turning seawards to Te Rangi on the sea coast, (It is a stone visible on the sea coast at low tide); then along the sea coast to the mouth of the Opape stream, to Awahou stream to Tirohanga and back to Pakihi. This then was the domain of the Whakatohea people and as I mentioned earlier, an area of about 490,000 acres.

In that early period of European influence because of government policies and also the actions and dealings of people known as the Government land purchases agents; then to complicate the issue further, there was in existence at the time, a private company known as the New Zealand Land Company. The Government agents were under instructions to purchase any land that the Maori people could be persuaded to sell, while the Land Company was busy buying land for purely speculation and profit motives.

(2.)
It must be remembered that our Maori people were at the mercy of these agents who had the advantage of centuries of business and farming as well as other types of land utilization skills; for example, the development of towns, wharves, trading centres and so on.

Adding to this, the Europeans had a monetary system with the legal structure as well as the surveying and land title offices; these being the necessary machinery enabling him to process and realize his operations. When the Maori Chiefs, on behalf of their people, signed the Treaty of Waitangi, they in doing so, accepted all these administrative facilities of the European civilisation.

Whilst our ancestors were very intelligent race we would have to admit that they were at a great disadvantage when it came to understanding fully all the implications at any sale of land or transactions by case, or otherwise that they became involved in.

As a result, by the 1850's, they were beginning to resist the pressures to sell their land. So much so, that the settlers began advocating for the Maori people to be forced to part with their unused land. A confrontation began to develop and the possibility of a war of conquest appeared to eminent. Tremendous pressure was brought to bare of the Maori people in the Waikato and Taranaki, so much so that groups of Maori people began organising themselves into what the Europeans termed 'rebles'.

One of these was the Hauhau cult, which originated in the Taranaki district. At this point I must make it clear that the Hauhau cult was in no way associated to the Ringatu religion. I make this point because I have read in books during my research for material for this talk, that the Ringatu religion was an offshoot of the Hauhau cult. This as we all know, is not true; there is absolutely no basis for such an assumption.

It was a party of this Hauhau cult under the leadership of Kereopa, a chief of the Ngati whakaue tribe. that came to Opotiki and on the third of March 1865, murdered the Reverend Volkner, and Anglican missionary stationed at Opotiki. The stage was now set for the final act, the confiscation of the Whakatohea Lands.

The authorities of the time, on hearing of the crime, immediately despatched a punitive force of armed constabulary in to the Whakatohea district. The steamers Ladybird; Stormbird; and Ahuriri with several companies of troops aboard, proceeded to Hicks Bay to meet the warship Brisk and the paddle steamer Huntress. Captain Levi who had been in Opotiki at the time of Volkners murder, acted as pilot.

An interesting event that occurred when these ships were entering the bar into Opotiki wharf, was the grounding of the Huntress on the mouth of the tidal creek.

These troops on landing immediately engaged the Hauhau forces. There was also a number of Maori Troops from Wanganui in the armed constabulary and they took part in the battle.

Finally the army gained control and the battle ceased. Kereopa and his hand core of followers escaped into the forests of the Waioeka and on into the Urewera.

The Whakatohea were accused of giving shelter to these Hauhau warriors and furthermore one of the Whakatohea men was arrested because the Europeans who were here stated that this man supplied the rope with which Volkner was hung. He was taken to Mount Eden gaol and tried, found guilty and executed. To this day, we, the Whakatohea, maintain that he was innocent. Our version is that he was going to catch his horse when the rebels met him and took his rope from him. His descendants are with us today and although the Whakatohea lost its land, this family suffered the wrongful execution of their ancestor as well.

The Government now invoked a law which it had put through Parliament in 1863; it was known as the New Zealand Settlements Act 1863 and its main purpose was to enable the crown to confiscate the lands of members of certain tribes of the Taranaki and Waikato districts who had been engaging themselves in antics of rebellion against the Queen. Without any form of inquiry or right of reply for the Whakatohea. In 1865 the Governor using the powers within the act, confiscated 143,780 acres of the most fertile lands, including the Pa's and habitations of the Whakatohea, their kumara cultivations, sacred burial places and fishing harbours. Surveyors were put to work in the area which the orders in Council described as follows:

"All that land bounded by a line commencing at the mouth of the Waitahanui river, Bay of Plenty and running due south for a distance of twenty miles; then to the summit of Putauaki then by a straight line in an easterly direction to a point eleven miles due south from the entrance to the Ohiwa harbour; then by line running east for twenty miles; then by line to the mouth of the Haparapara river, and then following the coast line to the point of commencement at Waitahanui".

It must be realised that these places were the points from which the survey was to be done - the actual land area was well within these points. The land was surveyed into fifty, one hundred and two hundred acre blocks from Waiarau river east of Opotiki to Ohiwa, the western side and the south boundary running through the hills. With the survey completed each man of the Waikato first regiment, which had been sent to Opotiki, received an acre in the town area and fifty acres elsewhere; officers receiving more, according to rank and for which lots were drawn. Each man also received rations for twelve months and on thousand feet of timber to build a house.

(4)

The motives for the confiscation had become apparent - that was the settlement of more Europeans on fertile surveyed and titled blocks. Our people were now well and truly under the control of Government legislation.

The Whakatohea, at the height of its power, was comprised of numerous hapu, many more than the six hapu we know today- these being: Ngaitama; Ngatirua; Ngatipatu; Ngatingahere; Ngatiira and Te Upokorehe.

The Courts now began the task of resettling the Whakatohea on the poorer marginal lands that they had been reduced to. It was the courts that decided that the Whakatohea would now be comprised of six hapu. The surveying and documenting of these lands was done and the people resettled in the districts that they occupy today. There are other blocks of land that they own in areas like Waiapu, Hinahinanui and Huirarau; also Whakapaupakihi in the Motu area.

It is not hard to imagine the hardship and suffering imposed on our people as the areas they now occupied were unable to produce the crops to supply their food requirements at that immediate time.

It took many years for our people to adjust to this new situation. The lands that the Europeans occupied were flourishing. By the year 1872, the soldiers in Opotiki began farming their allotments and by the year 1883 over one thousand acres of maize was grown on those fertile flats. Prior to this in November 1871 the actual instigator and perpetrator of the crime, Kereopa, was captured at Ruatahuna by Te Whiu, a chief of the Urewera. He was one of the scouts detailed by Major Rapata Wahawaha to capture Kereopa, Kereopa was then taken by his captors to Napier where he was given up to the officers of the law.

In December of 1871, he was tried before Justice Johnston and the grand jury found him guilty. He received the penalty of death and was duly executed within the precincts of the jail on the 5 January 1872.

From these dates it becomes clear that the land was confiscated in great haste in fact five years before the final capture and execution of the actual person responsible the chief from Ngati-Whakaue, Kereopa. The Europeans were justifying their actions in saying that the Whakatohea had given shelter to these rebel factions who were in no way associated to the lands taken.

The Whakatohea suffered the indignity of their position for many years but had not forgotten the injustices of the confiscation. In the latter part of last century they began making approaches to the Government about this matter. At this stage, we should remember that they did not have the funds to engage proper legal counsel and probably did not even know the steps to take. But by the beginning of this century our people were coming of age. Many of them were engaged in contracting various crops, for example maize plucking and bush felling; fencing, shearing, harvesting chaff and oats and the cartage business with drays and horses. Our people were becoming quite proficient as farmers in their own right.

One family were excellent seamen and owned and operated the pilot launch that guided the coastal ships into Ōhiwa and Ōpotiki wharves. Our young people were being sent away to get the best education possible, so that they could, in later years, lead and guide our people.

The Whakatohea began taxing themselves and accumulating funds to enable them to pay for legal counsel and the presentation of petitions appealing against the confiscation of 1865. The financial burden imposed on our people by themselves was great but their determination to see some form of compensation for this act of injustice was greater, as many of our Kūia and Kaumatua can remember. We the younger generation owe a great debt of gratitude to the patience, determination and tenacity of these tipuna of ours. Petitions were presented in 1914, 1915 and 1917 without success. This did not deter our ancestors.

On November the 10th, 1920, three further petitions were presented. They were: Mehaka Watene and 165 others
Paku Eruera and 210 others
Whaiora Renata and others

Also, a letter was presented to the Minister of Native Affairs by Mr W Nikora, on behalf of the Whakatohea tribe, appealing for some land to be returned to the children of the Whakatohea. These petitions eventually came before what is known as the 'Jones Commission'; comprising of Jones, Ormsby and Stauchon on 8 June 1920. The findings of this commission were as follows:

"In our opinion the fact that punishment was inflicted on the Whakatohea by a punitive expedition in 1865 and the actual offenders were captured and dealt with in civil law, should have had some effect in lightening the punishment that was imposed on the tribe by confiscating so much of their land. But as a fact, the land was cut up and sold, and dealt with before the principal offender, Kereopa, was brought to justice.

We have not sufficient material before us to say what would have been a fair and just area to confiscate. Nor do we think it wise to go in to that question. We have no hesitation however, in affirming that, judged by the light of subsequent events, the penalty paid by the Whakatohea, great as was their offence, was heavier than they deserved."

Now for the first time since the confiscation, those in authority were admitting the unfairness of the confiscation. At this; no hint of compensation was mentioned. Under pressure from the Whakatohea, on the 18th of October 1926, another commission known as the Sin commission, sat with Sin as Chairman, with Reed and Cooper being the committee. They ruled that in the case of the Whakatohea, the confiscation was excessive, but only to a small extent. Their recommendation was that a yearly sum of three hundred pounds be paid to the Whakatohea in perpetuity.

With this admission, the Whakatohea sensed victory, but they still believed and rightly so that the compensation suggested was insufficient.

At this point, world events came into the picture, the world wide depression was beginning and soon after that the Second World War began.

In 1928 the Maori members of Parliament recommended a yearly payment of four hundred and fifty pounds. Then with pressure still being applied by the Whakatohea, the Honourable Mr Langstone, in discussions with representatives of the Whakatohea in 1938, suggested an annual payment of one thousand pounds. The tribe at that time, numbered between thirteen and fourteen hundred members. Through the war years the matter was allowed to lapse while our young men went overseas to fight for their country.

Then with the war over in 1945, Hoera Tupara, on behalf of the Whakatohea, presented another petition. In this petition a review of all past commissions was laid down and in finally summing up to quote:

"Both of the recent commissions have found that the punishment of the Whakatohea tribe and the confiscation of their lands was excessive and greater than the extent to which they were culpable in the circumstances surrounding the murder of Reverend Volkner. In fact the Sims Commission even attempted to measure in pounds, shillings and pence .."

The excess of the punishment and confiscation over and above the tribes share in the murder by recommending the payment to the tribe of the said annual sum of three hundred pounds. What generous gentlemen those commissioners were, what magnanimity, what liberality, 143,000 acres of the flat, fertile and alluvial lands in and around the townships of Opotiki politically and scientifically filched from the natives by the early administrators of this country - and the said liberal gentlemen recommended three hundred pounds a year. What lavish prodigal generosity for such demonstration of Maori rapacity. The impertinent greed on the part of those early officials of 1865 - 1866. It was political robbery from people who were defenceless. It was spoliation of a native race; it was robbery of children who really could not defend themselves and that fact we submit was the measure of the shame of those early officials and peoneers in to this country who were responsible for it. We humbly submit that the Whakatohea as a tribe were not responsible for the cruel atrocities which were committed upon the person Volkner, by Kereopa, and his following of religious fanatics.

We the Whakatohea as a tribe deny having resisted by arms, the forces duly sent out by the law to arrest Kereopa, the murderer of Volkner. And therefore your petitions humbly pray that your Honourable house will grant us further legislation in this long and contentious matter setting up a further royal commission affording the Whakatohea tribe another opportunity of proving their loyalty to the Queen which remained constant and unbroken from the time of the signing of the Treaty of Waitangi until her

gracious Majesty's death, or such other or further relief as may to your house seem right and just or such other greater annual sum than the paltry yearly sum of three hundred pounds as recommended by the previous commission. And we will forever pray".

Signed by Hoera Tupara and others.

This, the final petition of the Whakatohea was presented to the house of Parliament in 1945 by Tiaki Omana, the then sitting Labour MP of the Eastern Maori Electorate. It was not until the year 1947 on 27 August that the Labour Government sent their Minister of Maori Affairs, the Honourable Mr Shepherd, his secretary, Mr Jones and the electorate member Mr Jack Ormand to settle with the Whakatohea, this longstanding claim.

The meeting was held at Ngatirua marae at Omarumutu. There it was agreed that a lump sum of twenty thousand pounds would be paid to the Whakatohea in final recognition of their claim. The Minister Shepherd favoured the money going into an incorporation of the interest to be the revenue for the education of the future generations of Whakatohea, but the leaders and spokesmen for our people were adamant in that they were set on a policy of land purchase and farming. It was stated by on Kaumatua, that the Whakatohea should, over the coming years, purchase as much land as it could, even possibly one day acquiring all the land it had lost.

Immediately following the meeting, a Board was formed on the basis that there were six hapu in the Whakatohea and each of these six hapu would have two delegates. The people elected to the first Board were:

Ngaitama:	Hori Taia Hapua Apanui	Ngatipatu:	Pakaha Tairua Donald Mihaere
Ngatingahere:	Tu Gage Tommy Smiler	Ngatirua:	Raimona Papuni Fred Amoamo
Upokorehe:	Ihaka Ihaia J Aramoana	Ngatiira:	George Rangiaho Koroua Tai

On receipt of the twenty thousand pounds, it was immediately banked until a suitable property could be purchased. Farm land was not readily available to people other than Returned Servicemen.

Edward

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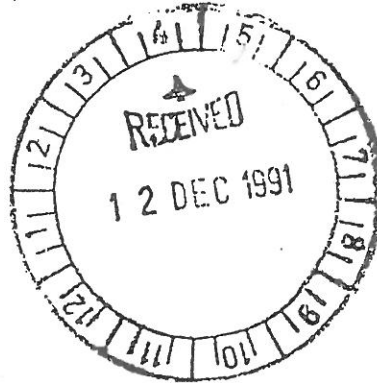
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For verbal enquiries please ask for

11 December 1991

The Executive Chairman
Whakatohea Maori Trust Board
PO Box 207
OPOTIKI



Tena Koe

As requested at our meeting last week, I have planimetered the approximate area of the Bay of Plenty Confiscation area within the Whakatohea boundary.

The area being 68,400 hectares approximately.

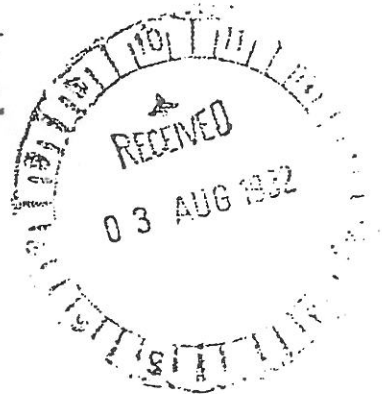
Kia Ora

A handwritten signature in cursive script, appearing to read "N. E. Wolter".

N E Wolter
for District Manager/Chief Surveyor



OFFICE OF THE
MINISTER OF JUSTICE
WELLINGTON 1



28 July 1992

C A Edwards
Executive Chairman
Whakatohea Maori Trust Board
P O Box 207
OPOTIKI

Dear Claude

Thank you for your letter of 6 July 1992. I have prepared papers for Cabinet consideration on an early warning system for Whakatohea. Decisions should be made over the next month. I have also directed that the Raupatu negotiations be activated. No doubt we will be meeting before too long.

Yours sincerely

Douglas Graham
Minister of Justice

Pardon for chief 126 years on raises issue of compensation

By MARAMENA
RODERICK

In 1866, a Maori chief stood before the hangman's rope and said: "Farewell you Pakehas, I die without a crime."

Few heeded his call.

This week, 126 years later in a Whakatane courtroom, his cry of innocence was remembered.

Relatives of the East Coast chief Mokomoko, hanged for the controversial murder of an Anglican missionary, were told that he had been granted a full pardon.

It is an acquittal for which his descendants had spent two years fighting.

It is also one which may now open a nasty can of worms for Government officials.

Volkner told to stay away

Mokomoko was executed at Mt Eden Jail on May 17, 1866, for the killing of an Opotiki missionary, the Rev Carl Sylvius Volkner.

Volkner himself had been hanged by a Maori war party on March 2, 1865, when he returned to Opotiki from Auckland. He had been warned to stay away.

Sworn statements during the trial said the minister was killed under the order of Kereopa Te Hau, leader of the Taranaki-based Hau Hau movement.

Witnesses also identified Wepiha Poono, a Ngati-awa chief and enemy of Mokomoko, as one of those who led the party.

The crown's key witness at the trial was none other than Wepiha.

Mokomoko was found guilty with three other men from Ngati-awa. Those three admitted guilt but declared that Mokomoko was not involved. The only evidence against him was that his rope was used in the hanging.

The hearing lasted only one day and no evidence was called in Mokomoko's defence.

About 70,000 ha (173,000 acres) of land was confiscated from his Whakatohea people. As well, Whakatohea shipping, housing and granaries were destroyed in the retribution.



Mr Graham ... the family's pain is finally ended.

Mokomoko's descendants were persecuted.

In a report to the Government, the Mokomoko family told how the "stigma" of having his name made life impossible and dangerous.

The men were killed and the extended family reduced to 30, all women and children.

"The women were hunted like animals by the Army and had acts of violence and degradation committed against them when captured," said the report.

In 1990 the first moves to gain an acquittal began, but the approaches were initially rejected by the Government.

But descendants were given support from an unexpected ally, the Anglican Church.

Church leaders met the Minister of Justice, Mr Graham, last year, yet it appeared that little progress was being made.

The biggest factor in favour of the Mokomoko case appears to have come from an act which Parliament passed four years ago.

The Runanga o Ngati Awa Act 1988 effectively pardoned the Ngati-awa men convicted of Volkner's murder.

A 1200ha block was returned to the tribe as a result of negotiations over land confiscations.

The Mokomoko family effectively threw the act back at the officials who had refused them twice.

They also put their case to the Waitangi Tribunal in May last year. From then until now, there appeared to be little progress.

On Monday of this week an urgent meeting with the family was called by Mr Graham.

Overwhelming emotion

The following day, at the Whakatane courthouse, the minister announced that the Governor-General, Dame Catherine Tizard, had granted a posthumous pardon.

It was a scene of overwhelming emotion.

Maori elders bowed their heads and unashamedly wept.

There has been little explanation for the sudden granting of the pardon.

Mr Graham has said only that "it would be inconsistent to withhold a pardon for Mokomoko when legislation has been passed which effectively pardoned Ngati-awa convicted of Volkner's murder."

The pain of the chief's conviction was still evident among the elders of the family, said Mr Graham.

"Their joy and relief was overwhelming, ending 125 years of pain and one of the most bitter grievances Maori have held against the Crown."

But the pardon has now brought to light the issue of compensation.

The minister's office said yesterday that a pardon decreed the receiver never to have committed the offence.

It admitted, however, that compensation has not yet been considered.

Concerns have also been raised by the family over the land which was returned to Ngati-awa.

Mokomoko descendants believe that land belonged to Whakatohea and that the Government had no right to give it as compensation to another tribe.

Those grievances are now before the Waitangi Tribunal.

The Whakatohea Maori Trust Board

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14 June 1991

The Oape Reserve owes its origins to the Murder of Volkner by members of the HauHau Cult.

As a consequence the Government confiscating all the flat and habitable portion of the Whakatohea lands in 1865.

In 1866 Mr J Wilson was especially directed by the then Minister of Native Affairs, Mr Whittaker, to act as the Crown agent to settle the Crown's obligations under the New Zealand Settlement Acts if possible by arrangement with individuals and chiefs outside the Compensation Court.

The kind of arrangements entered into by Wilson included the constitution of NATIVE RESERVES. I believe that the creation of the Oape Reserve was by Government direction rather than as a product of an agreement with local chiefs. Correspondence between certain Government Officials indicate this.

The Oape Reserve was created in 1867 constituting an area of 20,200 acres. It was originally set-apart "for rebels of the Whakatohea tribe who have surrendered."

Who in fact constituted a rebel for the purposes of this reserve is an important but debatable issue.

Of interest three other reserves were also created, they being:

- 1 Hiwarau and Hokianga Reserves at Ohiwa. These two reserves were for "surrendered rebels and loyal natives of the Upokorehe hapu."
- 2 Reserve for the Whakatohea Chief Te Ranapia Te Matuahu - Lot 33 in Opotiki Valley, 50 acres.
- 3 Reserves for Whakatohea Chiefs on conditions they remain loyal to 1 January 1870 when Crown Grants will be issued. The names of the chiefs are listed as:
 - a Te Ranapia Te Matuahu - Lot 1, Tirohanga 50 acres.
 - b Pui te Makarini - Lot 3 Tirohanga 50 acres.
 - c Rewiri te Rangimatanuku - Lot 4 Tirohanga 50 acres.

The description of the Opape Reserve is as follows:

"Bounded on the North by the sea, on the coast by a line from point Titoi to Tarakeha thence to Tawatihitihi thence by a straight line running through Puketiko to the southern boundary of the confiscated block. On the west by Waiawa river from its mouth to the point where it passes between Makeo and Wakahau hills, thence by a line parallel with the eastern boundary from the point of Wakahau hill to the southern boundary of the confiscated block. On the south by the boundary of the confiscated block."

The purpose of this reserve was to relocate "surrendered so called rebels". Upon surrendering and swearing allegiance to the Queen they were to be relocated from their own lands for settlement within the area prescribed.

Considerable problems arose from this which for many decades were left unattended. The problems were eventually addressed late last century resulting in the Maori Land Court having to adjudicate between the various hapu for the settlement of the reserve in accordance with terms of the original arrangement.

Those hearings resulted in the reserve being subdivided and each lots allocated to each hapu of Whakatohea. They being NGAITAMA, NGATIRUA, NGATIPATU, NGATIRA and UPOKOREHE.

Ngatongahere
The reserve proved grossly inadequate to sustain the livelihood of those forced to reside there. Many Whakatohea left the district and found shelter with neighbouring tribes.

The removal of Whakatohea from their traditional habitations, Pa and lands where they grew crops of kumara, potatoes, maize and wheat, raised cattle, pigs, sheep, and grazed their horses was an inhuman act of subjection deprivation and cruelty. The Whakatohea loss of Mana and economic base is clearly evident today.

The Opape Reserve was set up in a similar fashion and associated intentions as the Indian Reservations of America, and as such essentially represents the only common property of Whakatohea.

Of the 20,000 acres only about 50 acres was habitable. On the 50 acres about 150 people resided. However about 10 times more than that were entitled to reside there. Because of the nature of the land, those able to cultivate could only use approximately 1/8th of an acre each.

Most of what little flat land there was on the block was in isolated pockets and either sandy or swampy.

As a consequence of that many left the reserve for Opotiki and leased some of their own land from the Pakeha to plant potatoes and kumara.

The remainder of the block was in heavy native bush and most of it of very steep contour.

In the nineteen twenties some NGATIRUA and NGATIPATU people felled and grassed the more easy hill country and tried to eke out a living grazing sheep and cattle.

The holdings were too small and soon became uneconomic.

In 1984 Nukutere 438 Trust was formed and vested in the Whakatohea Maori Trust Board as Executory Trustee. A forestry lease with Caxton was negotiated and the remaining bush areas are the subject of our meeting today.

There are a rare species of frog and a tree known as the Toatoa tree almost unique to this block of land. Therefore of special interest conservationist.

These present negotiations with the Department of Conservation are an effort by the trustees to secure some income for the current owners they being the descendants of the tipuna on the 1874 SETTLEMENT COURT SETTINGS Ownership List.

There are many issues surrounding the Governments allocation of Opape and the manner by which it failed to preserve its own policy on the settlement of this reserve.

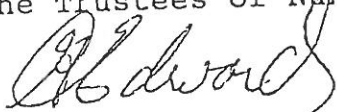
The Tripartite negotiations between the Department of Conservation, Nukutere Trustees and Ngawhenua Rahui Officials are of tremendous importance to the Whakatohea people and their long term future.

These negotiations could set a precedent concerning other Whakatohea Lands currently subject to Whakatohea's Confiscation Claim. Due for hearing with the Waitangi Tribunal.

The creation of an economic base for Whakatohea and the confiscated lands of Whakatohea held by the crown will feature prominently at the Waitangi Tribunal Hearing in terms of restitution should Whakatohea's claim be justified.

It is the duty of the Whakatohea Maori Trust Board to take a broad overview because of the inextricably interlocked relationships of the land and the confiscation claim.

This is a brief historical background to the Opape Block to assist Ngawhenua Rahui Officials to better understand Whakatohea's position which in this case is being represented by the Trustees of Nukutere.



Claude Edwards
Executive Chairman